

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STANLEY LEE HERRING,)	
)	
Plaintiff,)	
)	Civil Action No. 20-1559
vs.)	Judge Robert J. Colville/
)	Magistrate Judge Maureen P. Kelly
FAYETTE COUNTY PRISON, et al.,)	
)	
Defendants.)	

ORDER OF COURT

Before the Court is the July 7, 2022 Report and Recommendation of the Honorable Maureen P. Kelly (ECF No. 74) recommending that this case be dismissed for failure to prosecute. Objections to Judge Kelly's Report and Recommendation on behalf of unregistered ECF User Plaintiff¹ were due by July 25, 2022. No objections were filed, and the matter is now ripe for disposition.

The district court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir.1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Upon review of the July 7, 2022 Report and Recommendation, as well as a review of the entire record in this matter, including the entry of the show cause order and Plaintiff's failure to

¹ The Show Cause Order and Report and Recommendation were sent to Plaintiff at his address of record and Plaintiff has been notified of his obligation to update his address should it change, and is aware of this. (ECF Nos. 4, 61, 70, 74).

respond thereto, as well as the applicable *Poullis* factors and Fed. R. Ci. P. 41(b), it is hereby ORDERED as follows:

1. The Court hereby adopts the July 7, 2022 Report and Recommendation of the Honorable Maureen P. Kelly (ECF No. 74) as the Court's Opinion;
2. This action is hereby DISMISSED WITH PREJUDICE for failure to prosecute; and
3. The Clerk of Court is hereby directed to mark this case as CLOSED and to terminate all pending motions as MOOT.

BY THE COURT:

s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: July 26, 2022

cc/ecf: All counsel of record

The Honorable Maureen P. Kelly
United States Magistrate Judge

Stanley Lee Herring
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